

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.750 OF 2012

WITH

CIVIL APPLICATION (C.A.S.) NO.999 OF 2015

(Shri Rangnath Shridhar Gosavi Vs. Shri Sanjay Nivrutti Sathe and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's orders.

None for Appellant.

Shri Swapnil Mhatre i/b Shri S.S. Kulkarni, Advocate for Respondent No.3.

CORAM: R.K. DESHPANDE, J.

DATE: 27th JULY, 2015.

On 20.07.2015 this Court had passed an order as under:

“On 11.02.2015 this Court dismissed the second appeal for want of prosecution.

It was restored on 26.04.2013 thereafter again it was dismissed in default on 25.02.2014. Civil Application No.999/2015 is filed for restoration. None appears for the appellant and there is delay of 81 days caused in filing application for restoration.

None for the appellant. Put up this matter on 27.07.2015. No further adjournment shall be granted.

If the counsel for the appellant does not appear in the matter this Court shall proceed to decide as to whether any substantial question of law arises for consideration by this Court.”

None appears for the appellant.

Special Civil Suit No.86 of 2005 was filed for

claiming preferential right to purchase 1 H. 13 R. of land out of Block No.142 of village Barhanpur, Tal. Baramati sold by the defendant No.2 to defendant No.1 vide sale-deed dated 28.07.2004. Both the Courts below have recorded the finding that there was a previous partition and the lands were allotted to the plaintiff and the other defendant. It is held that the plaintiff has failed to establish the right of claim under Section 22 of the Hindu Succession Act to purchase $\frac{1}{4}^{\text{th}}$ share from the defendant No.1, which is sold to defendant No.2 on 28.07.2004. There is no substantial question of law, which arises for consideration by this Court. The second appeal is therefore, dismissed.

JUDGE